

# House File 611 - Introduced

HOUSE FILE \_\_\_\_\_  
BY SCHULTE, DE BOEF, SORENSON,  
HORBACH, ARNOLD, HEATON,  
BAUDLER, SODERBERG, ALONS,  
ANDERSON, SWEENEY, COWNIE,  
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GRASSLEY, DEYOE, and  
PETTENGILL

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act modifying certain provisions relating to recounts of  
2 public offices and public measures.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 2053YH 83  
5 sc/nh/14

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1 1 Section 1. Section 50.48, subsection 3, paragraph a, Code  
1 2 2009, is amended by adding the following new subparagraph:  
1 3 NEW SUBPARAGRAPH. (4) Two persons, one from each  
1 4 political party, chosen by the commissioner from the election  
1 5 board panel drawn up as provided in section 49.15.  
1 6 Sec. 2. Section 50.48, subsection 3, paragraph b, Code  
1 7 2009, is amended to read as follows:  
1 8 b. The commissioner shall convene the persons designated  
1 9 under paragraph "a", subparagraphs (1) and (2), not later than  
1 10 9:00 a.m. on the seventh day following the county board's  
1 11 canvass of the election in question. If those two members  
1 12 cannot agree on the ~~third~~ member designated under paragraph  
1 13 "a", subparagraph (3) by 8:00 a.m. on the ninth day following  
1 14 the canvass, they shall immediately so notify the chief judge  
1 15 of the judicial district in which the canvass is occurring,  
1 16 who shall appoint ~~the third such~~ member not later than 5:00  
1 17 p.m. on the eleventh day following the canvass.  
1 18 Sec. 3. Section 50.48, subsection 4, Code 2009, is amended  
1 19 to read as follows:  
1 20 4. a. When all members of the recount board have been  
1 21 selected, the board shall undertake and complete the required  
1 22 recount as expeditiously as reasonably possible. The  
1 23 commissioner or the commissioner's designee shall supervise  
1 24 the handling of ballots ~~or voting machine documents~~ to ensure  
1 25 that the ballots ~~and other documents~~ are protected from  
1 26 alteration or damage. The board shall open only the sealed  
1 27 ballot containers from the precincts specified to be recounted  
1 28 in the request or by the recount board. The board shall  
1 29 recount only the ballots which were voted and counted for the  
1 30 office in question, including any disputed ballots returned as  
1 31 required in section 50.5. If ~~an electronic automatic~~  
1 32 tabulating system equipment was used to count the ballots, the  
1 33 recount board ~~may request~~ shall direct the commissioner to  
1 34 retabulate the ballots using the ~~electronic automatic~~  
1 35 tabulating system equipment. The same program used for  
2 1 tabulating the votes on election day shall be used at the  
2 2 recount unless the program is believed or known to be flawed  
2 3 ~~and the suspected or known flaw would affect the retabulation~~  
2 4 ~~of votes for the office that is the subject of the recount.~~  
2 5 ~~if a voting machine was used, the paper record required in~~  
2 6 ~~section 52.7, subsection 2, shall be the official record used~~  
2 7 ~~in the recount. However, if the commissioner believes or~~  
2 8 ~~knows that the paper records produced from a machine have been~~  
2 9 ~~compromised due to damage, mischief, malfunction, or other~~  
2 10 ~~cause, the printed ballot images produced from the internal~~  
2 11 ~~audit log for that machine shall be the official record used~~  
2 12 ~~in the recount.~~  
2 13 b. ~~Any member of~~ Upon the affirmative vote of at least  
2 14 three members of the recount board, the recount board may at

2 15 any time during the recount proceedings extend the recount of  
2 16 votes cast for the office or nomination in question to any  
2 17 other precinct or precincts in the same county, or from which  
2 18 the returns were reported to the commissioner responsible for  
2 19 conducting the election, without the necessity of posting  
2 20 additional bond.

2 21 c. The ballots ~~or voting machine documents~~ shall be  
2 22 resealed by the recount board before adjournment and shall be  
2 23 preserved as required by section 50.12. At the conclusion of  
2 24 the recount, the recount board shall make and file with the  
2 25 commissioner a written report of its findings, which shall be  
2 26 signed by at least ~~two~~ three members of the recount board.  
2 27 The recount board shall complete the recount and file its  
2 28 report not later than the eighteenth day following the county  
2 29 board's canvass of the election in question.

2 30 Sec. 4. Section 50.49, subsection 2, Code 2009, is amended  
2 31 by adding the following new paragraph:

2 32 NEW PARAGRAPH. d. Two persons, one from each political  
2 33 party, chosen by the commissioner from the election board  
2 34 panel drawn up as provided in section 49.15.

2 35 Sec. 5. Section 50.49, subsection 3, Code 2009, is amended  
3 1 to read as follows:

3 2 3. The commissioner shall convene the persons designated  
3 3 under subsection 2, paragraphs "a" and "b", not later than  
3 4 9:00 a.m. on the seventh day following the canvass of the  
3 5 election in question. If those two members cannot agree on  
3 6 the ~~third~~ member designated under subsection 2, paragraph "c",  
3 7 by 8:00 a.m. on the ninth day following the canvass, they  
3 8 shall immediately notify the chief judge of the judicial  
3 9 district in which the canvass is occurring, who shall appoint  
3 10 ~~the third such~~ member not later than 5:00 p.m. on the eleventh  
3 11 day following the canvass.

#### 3 12 EXPLANATION

3 13 This bill makes changes relating to the recount provisions  
3 14 for public offices and, by operation of law, for public  
3 15 measures.

3 16 The bill adds two members to the recount board. The two  
3 17 members are persons, one from each political party, chosen by  
3 18 the commissioner from the same election board panel from which  
3 19 precinct election officials are selected.

3 20 The bill provides that if automatic tabulating equipment  
3 21 was used to count the ballots in an election, the recount  
3 22 board shall direct, rather than may request, the county  
3 23 commissioner of elections to retabulate the ballots using the  
3 24 automatic tabulating equipment. Current law provides that the  
3 25 same program for tabulating that was used in the tabulating  
3 26 equipment on election day shall be used in the recount unless  
3 27 the program is believed or known to be flawed. The bill  
3 28 provides that the suspected or known flaw must be one that  
3 29 would affect the retabulation of votes for the office that is  
3 30 the subject of the recount.

3 31 Current law provides that any member of the recount board,  
3 32 at any time during the recount proceedings, may extend the  
3 33 recount of votes to any other precinct in the county. The  
3 34 bill provides that the recount of votes may be extended to any  
3 35 other precinct in the county only upon the affirmative vote of  
4 1 at least three members of the recount board.

4 2 Finally, the bill strikes references to voting machines,  
4 3 which are no longer allowed for use in Iowa.

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